

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANGELA HOGAN, on behalf of herself and
others similarly situated,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

Case No. 2:21-cv-00996-RSM

STIPULATED MOTION AND ORDER
FOR CONSOLIDATION, FILING OF
CONSOLIDATED AMENDED
COMPLAINT, AND SCHEDULE FOR
ANSWER OR MOTION TO DISMISS

Note on Motion Calendar:
August 30, 2021

ANDREA SEBERSON,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

Case No. 2:21-cv-01009-RSM

STIPULATED MOTION AND ORDER
FOR CONSOLIDATION, FILING OF
CONSOLIDATED AMENDED
COMPLAINT, AND SCHEDULE FOR
ANSWER OR MOTION TO DISMISS

Note on Motion Calendar:
August 30, 2021

1 The parties, by and through their counsel, stipulate and agree as follows:

2 1. The above-captioned proposed class actions ("*Hogan* and *Seberson*") each allege
3 antitrust claims against Amazon.com, Inc., based on alleged overcharges to consumers caused by
4 Amazon allegedly tying a Seller's access to the "Buy Box" on the Amazon website to the Seller's
5 purchase of Amazon's fulfillment services. Plaintiffs in both *Hogan* and *Seberson* ("Plaintiffs")
6 have identified their cases as related to two other proposed class actions pending before the Court,
7 which have since been consolidated into a single case under the caption *De Coster, et al. v.*
8 *Amazon.com, Inc.*, 2:21-cv-693 ("*De Coster*").

9 2. On August 5, 2021, counsel for plaintiffs in *De Coster* filed motions to consolidate
10 *Hogan* and *Seberson* into the *De Coster* Action. See 2:21-cv-00996, Dkt. 12; 2:21-cv-01009, Dkt.
11 4. Plaintiffs in *Hogan* and *Seberson* oppose consolidation with *De Coster*. See 2:21-cv-00996,
12 Dkt. 13; 2:21-cv-01009, Dkt. 5. Amazon has not taken a position on consolidation of *Hogan* and
13 *Seberson* with *De Coster*. Briefing on the *De Coster* consolidation motion has now closed.

14 3. Without regard to the Court's resolution of the pending motion to consolidate
15 *Hogan* and *Seberson* into *De Coster*, Plaintiffs and Amazon (together, the "parties") agree that
16 consolidation of the *Hogan* and *Seberson* Actions is appropriate because the actions involve
17 materially similar allegations. Further, because Amazon intends to file a motion to dismiss the
18 *Hogan* and *Seberson* complaints, the parties have discussed and agreed upon a briefing schedule
19 to govern Amazon's anticipated motion to dismiss

20 4. Based on the foregoing, the parties hereby stipulate and agree as follows:

21 a. If the Court denies the pending motions to consolidate *Hogan* and *Seberson*
22 with *De Coster*, Plaintiffs shall file an amended class action complaint
23 consolidating *Hogan* and *Seberson* within 14 days of entry of the Court's order
24 denying the motions;

25 b. Amazon shall file its motion to dismiss (or answer) within 45 days after
26 Plaintiffs file their consolidated amended class action complaint;
27

1 c. Plaintiffs' opposition to any motion to dismiss by Amazon shall be due 45
2 days after the filing of Amazon's motion to dismiss; and

3 d. Amazon shall have 30 days to file its reply brief on its motion to dismiss.

4 **ORDER**

5 Pursuant to stipulation, IT IS SO ORDERED.

6 **DATED** this 1st day of September, 2021.

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8 Honorable Ricardo S. Martinez
9 United States District Judge